

REMARKS

Claims 1-6 are pending in the present application. Claims 1-3, 5, and 6 are herein amended *to clarify the subject matter of the claimed invention*. No new matter has been entered. It is respectfully submitted that this paper is fully responsive to the Office action mailed on April 16, 2008.

Claim Rejections - 35 U.S.C. §103

Claims 1-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Dunlap, Jr.* (US2005/0043854) in view of *Nedblake* (US 2005/0237201). Applicants disagree. However, to expedite prosecution, Applicants hereby amend claims 1-3, and 5 to clarify the subject matter of the claimed invention. Accordingly, in view of these amendments and the following remarks, Applicants request reconsideration of the rejection of claims 1-5.

Applicants respectfully submit that the examiner has not demonstrated all the elements of a *prima facie* case of obviousness. In particular, *Dunlap* fails to disclose a structure wherein inventory checks of individual articles within containers can be performed. In particular, none of the cited references disclose, teach or even suggest a system wherein IDs of individual articles in a container are read by scanning the articles *while pulling the container onto the transfer apparatus*. See claim 1. Because of this feature, for example, IDs of the individual articles in the container are accurately read. Accordingly, claim 1 is not obvious based on the teachings of the cited references.

Furthermore, none of the cited references disclose, teach or suggest a warehouse system comprising a control means for setting a speed of pulling the container at a low speed at a time the article ID tag is read, in comparison with a speed at a time the article ID tag is not read. See claim 2.

In view of the aforementioned remarks and amendments, Applicants request that claims 1-5 be allowed over the cited references.

Claim 6 was rejected under 35 U.S.C. 103(a) as unpatentable over *Dunlap, Jr.* in view of *Nedblake* in view of *Bonneton et al.* (U.S. Patent No. 4,678,390).

Applicants submit that claim 6 depends from independent claim 1 and should likewise be allowable over the cited references in view of the aforementioned remarks and amendments.

Conclusion

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.


Application No.: 10/578,625
Art Unit: 3652

Amendment under 37 C.F.R. §1.116
Attorney Docket No.: 053543

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Darin A. Auito
Attorney for Applicants
Registration No. 56,024
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

DAA/jac